

# EXHIBIT 2



**U.S. Department of Justice**

**Michael J. Sullivan**  
*United States Attorney*  
*District of Massachusetts*

Main Reception: (617) 748-3100

*John Joseph Moakley United States Courthouse*  
*1 Courthouse Way*  
*Suite 9200*  
*Boston, Massachusetts 02210*  
July 25, 2005

James O. Taylor, M.D.  
Chief Medical Officer  
East Boston Neighborhood Health Center  
10 Gove Street  
East Boston, MA 02128

Re: Judith Thibeau, et al. v. U.S., et al., No. 04-10643-MLW

Dear Dr. Taylor:

Richard Price, a student intern, testified that he completed a report for your Clinic or HHS about a year after Judith Thibeau's accident. He stated it was very similar to the practitioner's narrative which was completed by Dr. Pietrantonio. Please see attached.

Plaintiff's counsel, James Frederick, requests that the document be produced. A search of my files, as well as HHS Counsel, Richard Bergeron's search of HHS files, indicates that no document completed by Richard Price has been provided to the United States. Attorney Bergeron, however, located an August 28, 2003 letter from you noting that Mr. Price's narrative was "still pending." Therefore, I request that you search your files to locate the alleged document which Richard Price testified he completed and mailed.

If you have any questions or comments, please do not hesitate to contact me at [christopher.alberto@usdoj.gov](mailto:christopher.alberto@usdoj.gov) or by telephone at (617) 748-3311.

Very truly yours,

Christopher Alberto  
Assistant U.S. Attorney

CA/ejs

cc: James L. Frederick, Esq.  
Charles M. Urso, Esq.



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*United States Attorney*  
*District of Massachusetts*

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John Joseph Moakley United States Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, Massachusetts 02210

November 15, 2005

James L. Frederick, Esq.  
Koufman & Frederick, LLP  
1330 Beacon Street, Suite 311  
Brookline, MA 02446

Re: Judith Thibeu, et al. v. United States, et al.  
Civil Action No. 04-10643-MLW

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Dear Jim:

In response to your November 14, 2005 letter I contacted Dr. James O. Taylor, Chief Medical Officer at the East Boston Neighborhood Health Center. He oversees Dr. John Pietrantonio's supervision of the eye clinic. Your November 14, 2005 letter requests a document that Dr. Richard Price testified he created. In that alleged document, Dr. Price testified he wrote a narrative detailing the facts surrounding Judith Thibeu's visit to the eye clinic on September 26, 2005. Unfortunately, neither Dr. Taylor nor Dr. Pietrantonio can locate such a document. See attached November 15, 2005 letter from Dr. Talyor after a thorough search of the Health Center's files. Dr. Taylor sent me Dr. Pietrantonio's "Practitioner Narrative," which I previously provided you during discovery. A copy of that document is also attached.

As we discussed today, I'll provide you a formal response to your request for production of documents. Regarding items 1 through 4 of that request, the documents Dr. Taylor and Dr. Pietrantonio have provided you at their respective depositions satisfies those requests. If, however, you have any other questions or seek any other documents relating to items 1 through 4, please let me know, and I will make every effort to obtain that which you seek.

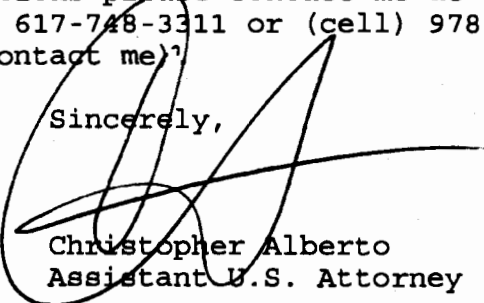
Thank you for providing additional time to respond to your request for production of documents. I keep telling Tory what a

James L. Frederick, Esq.  
November 15, 2005  
Page 2

great guy you are.

Again, if you have any questions please contact me at  
[christopher.alberto@usdoj.gov](mailto:christopher.alberto@usdoj.gov) or 617-748-3311 or (cell) 978-369-  
1682 (email is the best way to contact me)

Sincerely,



Christopher Alberto  
Assistant U.S. Attorney

CA/kbw

cc: Tory Weigand, Esq.

11/15/2005 11:59 FAX  
003 11:12 From-Claims Office

301-443-8514

T-553 P.004/012 F-027

003

## Practitioner Narrative

RECEIVED BY

Practitioner Information			
Practitioner Name:	JOHN PIETRANTONIO, D.O.		
Gender:	M	Date of Birth:	3/15/55
School:	NEW ENGLAND COLLEGE OF OPTOMETRY	Year of Graduation:	DEPT.
School:		Year of Graduation:	
Home Address:	6 BIRCH RD. WENHAM, MA 01984		
Organization Name:	EAST BOSTON NEIGHBORHOOD HEALTH CENTER		
Work Address:	79 PARIS ST. E. BOSTON, MA 02128		
Practitioner Field of Practice			
Specialty:	Physician	Dentist	Allied Health
Board Certification/State-Board Certified:			OPTOMETRIST
State License:			MA #2837
State License:			
State License:			
Patient Information			
Patient Name:	JUDITH THIBETU		
Date of Birth:	12/31/42	Gender:	Male
Marital Status:	Married	Divorced	Widowed
Employed:	Yes No		Single
Narrative:			
Provide an objective summary of the patient's chief complaint, the history of the problem, and the patient's current status. Also indicate any other conditions or symptoms that are related to the chief complaint or conditions subsequent to the examination.			
<p>This patient was examined in The EBHHC Vision Center on 9/26/02 by an ophthalmologist. This is a typical patient having a consultation for consideration of cataract surgery. The patient was prepped by one of our fourth year optometry students for examination by the ophthalmologist. A history, visual acuity, pupil testing, intraocular pressures were taken. Patients are routinely dilated with standard instructions of blurred vision, defer driving, sun sensitivity, and care in returning home. Standard documentation of "dilation warning given" is written in the chart. The patient is examined by the ophthalmologist and if cataract surgery is agreed to by the M.D. and patient I routinely enter the room at the conclusion of the examination and review the pre-operative preparation - instructing the patient that they will need a pre-op physical by their PCP, an ultrasound for axial length, determination for IOL power, an approximate scheduling time &amp; location of surgery and then post-operative follow-up appointments. I routinely tell the patient to call me or the ophthalmologist's office if they have any questions.</p>			

J. Pietrantonio

Confidential-Attorney Work Product

11/15/2005 11:58 FAX

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**East Boston Neighborhood Health Center**

10 Gove Street, East Boston, MA 02128 – Phone: 617 569 5800

**Via Fax to 617-748-3972**

November 15, 2005

Christopher Alberto  
Assistant U.S. Attorney  
John Joseph Moakley United States Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, Massachusetts 02210

Re: Judith Thibeau, et al. v. U.S. et al. No. 04-10643-MLW

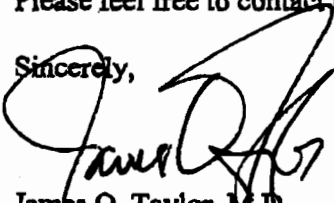
Dear Mr. Alberto:

In response to your request, attached is a copy of Dr. John Pietrantonio's narrative statement.

Both Dr. Pietrantonio and I have thoroughly searched our files and cannot find a narrative statement by Richard Price. We are not sure that either of us ever saw such a document.

Please feel free to contact me with any further questions.

Sincerely,

  
James O. Taylor, M.D.  
Chief Medical Officer  
617-568-4570

cc: Tory Weigand, Esq.

A COMMUNITY OF CARING